

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Martha Jane Toy, individually, and as Executrix and Personal)	
Representative of the Estate of Russell B. Toy, deceased,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 05-00760 (JJF)
)	
Plumbers & Pipefitters Local Union No. 74 Pension Plan,)	
Trustees of Plumbers & Pipefitters Local Union No. 74 Pension)	
Plan, Health and Welfare Plan, Local 74, Welfare Benefit Plan,)	
Life Insurance Plan, Local 74, Welfare Benefit Plan, Life)	
Insurance Plan, Local 74, Insurance Plan, Administrators of)	
Pension and Welfare Plans, Trustees of Plumbers & Pipefitters)	
Local Union No. 74 Welfare Plan, Plan Administrator of Pension)	
& Welfare Plans, Insurance Plans, and Health and Welfare)	
Benefit Plan,)	
)	
Defendants.)	

**CERTIFICATION OF COUNSEL IN CONNECTION
WITH MOTION FOR PARTIAL SUMMARY JUDGMENT**

The undersigned counsel submits this Certification of Counsel in Connection With Motion For Partial Summary Judgment in order to comply with this Court's chambers procedures relating to Motions for Summary Judgment. Although the Court has not entered the standard Memorandum Order relating to Motions for Summary Judgment, counsel nevertheless files this Certification of Counsel.

The undersigned counsel hereby certifies that no genuine issue of material fact exists with regard to the facts argued in support of the Motion for Partial Summary Judgment (Statute of Limitations) in that the date of the "Final Determination Letter" is attached as an exhibit to the Motion and contains the date of the letter thereon and the alternative date used in argument is the date asserted by Plaintiff in her Complaint regarding the date of the final denial of benefits.

YOUNG CONAWAY STARGATT & TAYLOR, LLP



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Counsel for the Defendants

Dated: December 12, 2005

CERTIFICATE OF SERVICE

I, Curtis J. Crowther, Esquire, counsel for Defendants, hereby certify that on this 12th day of December, 2005, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

John M. Stull, Esq.
1300 North Market Street, Suite 700
Wilmington, DE 19899

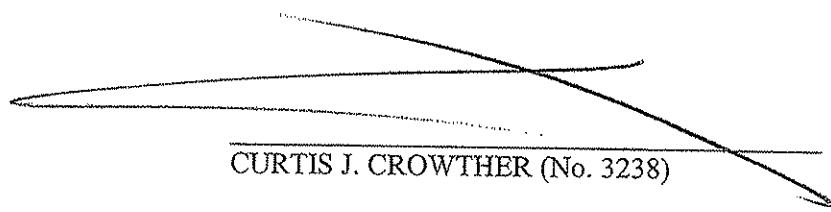
I further certify that on this 12th day of December, 2005, I caused a copy of the foregoing document to be served on the following counsel in the manner indicated below:

BY FEDERAL EXPRESS

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CURTIS J. CROWTHER (No. 3238)

Dated: December 12, 2005
